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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,393	11/07/2000	Herbert Barthel	67190/983015	7087

21171 7590 03/17/2004  
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EXAMINER

PATEL, RAMESH B

ART UNIT PAPER NUMBER

2121

DATE MAILED: 03/17/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

1m

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/600,393	BARTHEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramesh B. Patel	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. PCT/DE98/03371.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                        |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7</u> . | 6) <input type="checkbox"/> Other: _____                                                |

Art Unit: 2121

### DETAILED ACTION

1. Claims 14-31 are presented for examination. Claims 1-13 have been canceled due to the amendment filed on 2/20/2004 as non-elected claims in response to the Election/Restriction requirement.

#### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-31 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. Claims 14-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hilber et al. (US Patent 5,128,855).

As to claims 14 and 23, Hilber teaches the invention including a method and a system for operating an automation system having at least one input unit for receiving process signals and at least one output unit for driving external peripherals which are communicatively interconnected via bus, wherein at least one of the at least one input units is constructed as a failsafe input unit at least one of the at least one output units is constructed as a failsafe output unit is

Art Unit: 2121

taught as the building automation system for the control of an operating installation of a building automation system having a control module serving as a master transmitter and receiver and at least one function module (serves as an input output terminal of said installation for the transmission of process parameters) serving as a slave transmitter and receiver connected through a bus and at least one function module for the transmission of address and data and for transmission of operating voltages (see, abstract), the method and the system comprising: transmitting a telegram from the at least one fail safe output unit at predetermined times, the telegram from the at least one failsafe input unit to the at least one failsafe output unit at predetermined times, the telegram including at least one useful information item, one destination code point designating an address for one of the at least failsafe output units and one origin code designating the failsafe input unit transmitting the telegram (see, abstract and col. 5, lines 17-52); interpreting receipt of the telegram at the predetermined times as an indication of an intact communications relationship (see, abstract and figures 1-7 and col. 5, lines 17-52 and col. 14, line 43 to col. 15, line 58); shifting the connected peripherals into a safe state if the telegram is not received at predetermined times (see, abstract and col. 3, lines 3-55).

As to claims 15 and 24, Hilber teaches the method and the system further comprising: triggering a test procedure at predetermined times, monitoring the status change, outputting an error message, if necessary and canceling the effected status change at an end of the test procedure, the test procedure being

Art Unit: 2121

completely transparent for reading out the at least one input channel (see, abstract and figures 1-8 and col. 3, lines 3-55).

As to claims 16 and 25, Hilber teaches the method and the system further comprising operating the at least one input channel as an antivalent channel (see, abstract and figures 1-8).

As to claims 17 and 26, Hilber teaches the method and the system further comprising: evaluating the at least one useful information item of the telegram, subjecting the at least one useful information item to a user designated logic operation and driving the at least one output channel in accordance with a result of the designated logic operation (see, abstract and figure 1 and col. 5, lines 17-52 and col. 17, lines 4-35).

As to claims 18 and 27, Hilber teaches the method and the system further comprising: monitoring a time sequence of the process data which is transmitted with the useful information and driving the at least one output channel only when the time sequence of the data required for driving the at least one output channel lies within predetermined tolerances (see, abstract and figures 1-8 and col. 17, lines 4-35).

As to claims 19-20 and 28-29, Hilber teaches the method and the system further comprising: providing a monitoring circuit which operates as a watchdog

Art Unit: 2121

and shifting the at least one output channel into a safe state as soon as the monitoring circuit detects a malfunction of the automation system (see, abstract and figures 1-8 and col. 17, lines 4-35).

As to claims 21-22 and 30-31, Hilber teaches the method and the system further comprising: reading back a signal supplied to the output channel, comparing the signal supplied to the output channel and the signal read back from the output channel and shifting at least one of output channel to a safe state in response to a deviation detected by the comparison (see, abstract and col. 17, lines 4-35).


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2121

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh B. Patel whose telephone number is 703-308-6673. The examiner can normally be reached on M-Th; 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on 703-305-0282. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-305-3718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Ramesh B. Patel  
Primary Examiner  
Art Unit 2121

March 15, 2004